

**RESOLUTION NO. 07-18**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA (THE "TOWN"); NOTIFYING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA (THE "COUNTY") AND THE DIRECTOR OF THE MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT ("DERM") AS REQUIRED BY SECTION 24-51.2 OF THE MIAMI-DADE COUNTY CODE (THE "CODE"); THAT THE TOWN EXERCISES ITS OPTION TO EXEMPT THE TOWN FROM INCLUSION IN THE COUNTY'S STORMWATER UTILITY; COMMITTING TO ESTABLISH A STORMWATER UTILITY WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN IN ACCORDANCE WITH SECTIONS 403.0893 (1) (2) or (3), FLORIDA STATUTES; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN INTERLOCAL AGREEMENT WITH THE COUNTY FOR THE COLLECTION OF THE TOWN'S STORMWATER UTILITY FEES; AUTHORIZING THE TOWN CLERK TO SEND COPIES OF THIS RESOLUTION TO THE APPROPRIATE OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town is currently part of the Miami-Dade County Stormwater Utility (the "Utility"); and

**WHEREAS**, pursuant to Section 24-51.2, et seq., of the County Code, the Town may opt out of the Utility upon committing to implement the provisions of Section 403.0893(1), (2) or (3), Florida Statutes, by creating a stormwater utility and adopting stormwater utility fees sufficient to plan, construct, operate and maintain a stormwater management system; and

**WHEREAS**, the Town's engineers are developing a stormwater master plan and as part of the plan, the town council intends on establishing a stormwater utility within the municipal boundaries of the Town; and

**WHEREAS**, the Town Council desires to exercise its option to exempt the Town from the County's Utility, as soon as possible.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Notification.** The Town of Cutler Bay notifies the Board of County Commissioners of the County and the Director of DERM that it exercises its option to be exempted from the provisions of the County Stormwater Utility as provided in Section 24-51.2, et seq., of the County Code, as soon as possible.

**Section 3. Commitment.** The Town of Cutler Bay commits to implement the applicable provisions of Section 403.0893(1), (2) or (3), Florida Statutes, to create and fund a stormwater utility within the municipal boundaries of the Town.

**Section 4. Authorization.** The Town Manager is authorized to negotiate with the County an Interlocal Agreement for the collection of the Town's stormwater utility fees.

**Section 5. Clerk's Notification.** The Town Clerk is directed to file a certified copy of this Resolution with the Clerk of the Board of County Commissioners and the Director of DERM.

**Section 6. Effective Date.** This Resolution shall be effective immediately upon its adoption.

PASSED and ADOPTED this 16<sup>th</sup> day of May, 2007.


  
PAUL S. VROOMAN, Mayor

Attest:

  
ERIKA GONZALEZ-SANTAMARIA, CMC  
Town Clerk



APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

Moved By: Councilmember Meerbott  
Seconded By: Councilmember Bell

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	<u>YES</u>
Vice Mayor Edward P. MacDougall	<u>ABSENT</u>
Councilmember Peggy R. Bell	<u>YES</u>
Councilmember Timothy J. Meerbott	<u>YES</u>
Councilmember Ernest N. Sochin	<u>ABSENT</u>